



ZONING ADMINISTRATOR
NOTICE OF DECISION

Date: October 29, 2013
Applicant: Fun 4 All, Inc.
Case No.: PCC-13-024
Address: 950 Industrial Boulevard
Project Planner: Miguel Z. Tapia, AICP

Notice is hereby given that on October 29, 2013, the Zoning Administrator considered Conditional Use Permit (CUP) application PCC-13-024, filed by Fun 4 All, Inc. ("Applicant"). The Applicant requests the renewal, on a permanent basis, of Conditional Use Permit PCC-03-104 which would allow the continued operation of the Fun 4 All Recreation Center ("Project") at the site located at 950 Industrial Boulevard ("Project Site"). The project site is within the Limited Industrial (IL) zone and is designated Limited Industrial (IL) in the City of Chula Vista's General Plan. The Project is more specifically described as follows:

The Project application is for the renewal on a permanent basis of the Conditional Use Permit for the continued operation and modification of the Fun 4 All Recreation Center located at 950 Industrial Boulevard in Chula Vista. The proposal consists of the demolition of the existing building and construction of a new and larger building, which will result in approximately 5,590 square-feet of building floor space, including a mezzanine, to house an expanded arcade area, an improved food service area, and areas for indoor parties. The proposal also includes the demolition of the bumper boat pool, which would allow the expansion of the existing go-kart track. This application is only for the renewal and expansion of the Conditional Use Permit. Review and evaluation of the construction of the new building and modifications to the site improvements for Fun 4 All will be considered under a separate design review permit specifically for the Recreation Center to be submitted to the City in the near future.

The Development Services Director has reviewed the Project for compliance with the California Environmental Quality Act (CEQA) and has determined that the Project qualifies for a Class 32 (Infill Development Projects) categorical exemption pursuant to Section 15332 of the State CEQA Guidelines. Thus, no further environmental review is required.

The Fun 4 All Recreation Center is considered an Unclassified Use under the provisions of Chula Vista Municipal Code (CVMC) Section 19.54.020 (J). As such, the proposed Project requires the processing of an administrative CUP under the provisions of CVMC 19.14.030. The subject Recreation Center has been operating on the current Project Site for the past 30 years under the provision of various CUP extensions, the last of which expired on June 23, 2013 subsequent to the submittal of this application.

The Zoning Administrator, under the provisions of Section 19.14.030 (A) of the Chula Vista Municipal Code, has conditionally approved said request based upon the following findings of facts as required per Chula Vista Municipal Code Section 19.14.080:

1. **That the proposed use at this location is necessary or desirable to provide a service or facility which will contribute to the general well being of the neighborhood or community.**

The continuation and modification of the proposed use is desirable because it provides for a unique recreational opportunity for children and adults of the City of Chula Vista. Recreational opportunities are an important element for the well-being of the City's youth. The proposed Project provides access to batting cages, go-karts, miniature golf, and under the proposed Project, it will provide the opportunity to have small family events within the new and larger building. The provision of these services would contribute to the general well-being of the community.

2. **That such use will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity.**

The subject use has not been and will not be detrimental to the health, safety and general welfare of persons residing or working in the vicinity. The use is located in an industrial area of the City next to Interstate 5 and with a low level of population. The use as conditioned does not create significant negative impacts to the surrounding area in terms of traffic, noise or air quality. The use will be subject to meeting all health, safety and general welfare standards and regulations set forth by the City of Chula Vista. The Applicant and Property Owner shall comply with the City's noise standards stated within as to not disturb the surrounding property owners, workers and residents.

3. **That the use will comply with the regulations and conditions specified in the code for such use.**

Granting of this conditional use permit is conditioned to require the Applicant and Property Owner to fulfill conditions and to comply with applicable regulations and standards specified in the Chula Vista Municipal Code. The use is existing and has been operating on Site for the past 30 years. No major incidents and/or Code Enforcement violations have taken place during the past ten years. The use, as proposed, does not represent a significant change and does not have the potential, as conditioned, to violate the regulations of CVMC. This permit includes conditions of approval, which require the project to operate in continuing compliance with all applicable City codes and regulations. These conditions will be enforced as long as the use operates at the location.

4. **That the granting of the Conditional Use Permit will not adversely affect the General Plan of the City or the adopted plan of any governmental agency.**

The Fun 4 All Recreation Center is considered an Unclassified Use under the provisions of Chula Vista Municipal Code (CVMC) Section 19.54.020 (J). As such, the proposed Project requires the processing of a CUP under the provisions of CVMC 19.14.030. The subject Recreation Center has been operating on the current Project Site for the past 30 years under the provision of various CUP extensions. The issuance of this CUP and the conditions contained therein are consistent with and will not adversely affect the General Plan.

BASED ON THE FINDINGS ABOVE, THE ZONING ADMINISTRATOR hereby approves Conditional Use Permit PCC-13-024 as described above subject to the following conditions of approval:

I. Prior to the approval by the City of Chula Vista for the use of the subject property in reliance upon this approval, the Applicant shall satisfy the following requirement:

Planning Division

1. The conditions of approval for this Conditional Use Permit shall be applied to the subject property until such time approval is revoked, and the existence of this approval with conditions shall be recorded by the property owner, at his/her own expense, with title of this property.
2. This Conditional Use Permit shall be issued permanently for the operation of the Fun 4 All Recreation Center as it currently exists or as described in the application and plans submitted and stamped on June 19, 2013. The plans for the proposed construction of the new building and modifications to site improvements for the Recreation Center, as presented on this application for this CUP, shall be subject to review and approval of a separate application for a Design Review Permit specifically for the Recreation Center and all its components.
3. Since the Recreation Center is expanding its operations from its previous operation, the new and expanded operation shall be subject to compliance with the provisions of CVMC 19.58.040 Amusement and entertainment facilities.
4. The site plan submitted with the subject application shows a total of 33 on-site parking spaces. The Project shall be responsible for providing a minimum of number of on-site parking spaces based on the ratio of one (1) parking space per every 200 square-feet of gross building space. Based on the plans submitted with this application (5,590 square-feet of building space), the minimum number of on-site parking spaces to be provided is 28 spaces.
5. The Recreation Center hours of operation shall be as follows:

Mondays to Thursdays	10 a.m. to 10 p.m.
Fridays	10 a.m. to 12 midnight
Saturdays	9 a.m. to 12 midnight
Sundays	9 a.m. to 10 p.m.

6. The subject Project shall comply with the City's Municipal Code noise standards. All loud music shall be terminated by 10:00 p.m. each night. If upon review the City finds that the site does not meet the Municipal Code noise standards, the City may revoke or modify the permit, subject to the provisions of CVMC 19.14.270.
7. The Applicant shall apply for and obtain a sign permit for any new site/business identification signs from the Development Services Department in accordance with the Chula Vista Municipal Code Chapter 19.60.
8. Prior to the approval by the City of Chula Vista for the use of the subject property in reliance on this approval, the Property Owner and Applicant or authorized representative shall execute this document by making a true copy of this Notice of Decision and signing both this original notice and the copy on the lines provided below, said execution indicating that the Property Owner and the Applicant have each read, understood and agreed to the conditions and land use operation modifications contained herein, and will implement same. Upon execution, the true copy with original signatures shall be returned to the Development Services Department. Failure to return the signed true copy of this document prior to submittal for building permits to the Development Services Department shall indicate the Property Owner's and Applicant's desire that the project, and the corresponding application for building permits and/or a business license, be held in abeyance without approval.

Signature of Property Owner

Date

Signature of Applicant or Authorized Representative

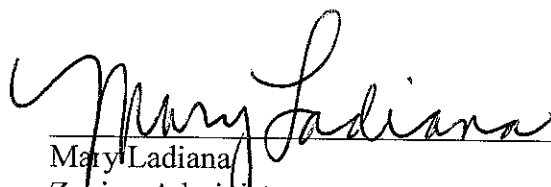
Date

II. The following on-going conditions shall apply to the subject site as long as it relies upon this Conditional Use Permit approval.

9. This Conditional Use Permit shall become void and ineffective if not utilized within 36 months from the effective date, in accordance with Section 19.14.260 of the Chula Vista Municipal Code. Failure to comply with any conditions of approval shall cause this permit to be reviewed by the City for additional comments or revocation pursuant to CVMC 19.14.270.
10. Approval of this Project shall not waive the Applicant's responsibility to comply with all sections of Title 19 of the CVMC, and all other applicable City Ordinances in effect at the time of building permit issuance or the approval of this Conditional Use Permit.

11. The Applicant/Representative and Property Owner shall and does hereby agree to indemnify, protect, defend and hold harmless City, its City Council members, officers, employees and representatives, from and against any and all liabilities, losses, damages, demands, claims and costs, including court costs and attorney's fees (collectively, liabilities) incurred by the City arising, directly or indirectly, from: (a) City's approval and issuance of this Conditional Use Permit, (b) City's approval or issuance of any other permit or action, whether discretionary or non-discretionary, in connection with the use contemplated herein, and Applicant/operator shall acknowledge their agreement to this provision by executing a copy of this Conditional Use Permit where indicated above. The Applicant/Representative and Property Owner's compliance with this provision is an express condition of this Conditional Use Permit and shall be binding on any and all of Applicant/Operator's successors and assigns.
12. Any violations of the terms and conditions of this permit may result in the imposition of civil or criminal penalties and/or the revocation or modification of this permit.
13. If any of the foregoing conditions fail to occur, or if they are, by their terms, to be implemented and maintained over time, if any of such conditions fail to be so implemented and maintained according to their terms, the City shall have the right to revoke or modify all approvals herein granted, deny, or further condition issuance of all future building permits, deny, revoke, or further condition all certificates of occupancy issued under the authority of approvals herein granted, institute and prosecute litigation to compel their compliance with said conditions or seek damages for their violation. Applicant or a successor in interest gains no vested rights by the City's approval of this Conditional Use Permit.

APPROVED BY THE ZONING ADMINISTRATOR OF THE CITY OF CHULA VISTA, CALIFORNIA, this 29th day of October 2013.



Mary Ladiana
Zoning Administrator